

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the May 7, 2007 Council Meeting.

- I. **CALL TO ORDER** – On Monday, May 07, 2007, at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.
- II. **ROLL CALL OF MEMBERS** – Mayor Johnston conducted a roll call of the members and determined that the Councilor present constituted a quorum. Councilors present: David Tripp, Leslie Smith, Jr., Ronald Morton, Roland Michaud, Arthur Tardif, Eric Cote and Christopher Jacques.

III. **PLEDGE OF ALLEGIANCE**

III. **APPROVAL OF MINUTES**

Minutes were not presented this evening.

V. **AGENDA ITEMS:**

A. **(Public Hearing)** Code Amendment- Chapter 69 Bicycle & Skateboards

When Chapter 69 was written it prescribed certain penalties for noncompliance with the ordinance. The penalties provided for citations to be issued if a violator was over 17 years of age, and for bicycles and skateboards to be impounded if the violator was less than 17 years of age.

The language inadvertently created no penalties, however, if the violator was 17 years of age, as opposed to being older or younger than 17.

This action will rectify that situation by clarifying that impoundment is the appropriate penalty for minors, while adults may be summonsed to court. It also adds some flexibility for officers when addressing violations and amends the hearing process.

Councilor Jacques moved, Councilor Michaud seconded, to open the Public Hearing on the document titled, “Code Amendment to Chapter 69-9, “BICYCLES, SKATEBOARDS AND ROLLER SKATES”, dated April 2, 2007. The motion passed with seven (7) yeas.

There being no comments from the public Councilor Jacques moved, Councilor Smith seconded to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading of the document titled, “Code Amendment to Chapter 69-9, “BICYCLES, SKATEBOARDS AND ROLLER SKATES”, dated April 2, 2007” for May 21, 2007. Further moved to approve the order. The motion passed with seven (7) yeas.

## Code Amendment to Chapter 69-9, BICYCLES, SKATEBOARDS AND ROLLER SKATES

April 2, 2007

(Please note that language to be deleted is represented by ~~strikethrough~~, while new language is underlined).

### § 69-9. Violations and penalties.

The following penalties shall apply for a violation of this article:

- A. ~~Persons over 17 years.~~ Adults. If a person is ~~over 17 years of age~~ an adult, he/she may be issued a citation for court by the officer. The amount of the fine will be left to the discretion of the court. His/her bicycle or skateboard should also be impounded if continued operation would result in violation.
- B. ~~Persons under 17 years~~ Minors. If the person is ~~under 17 years of age~~ a minor, the bicycle or skateboard ~~shall~~ may be impounded for five days (first offense), 10 days (second offense) or 30 days (any other offense). Any person charged with a violation of this article may request a hearing with the Chief of Police, or in his or her absence, the Deputy Chief ~~Department Juvenile officer~~. Such hearing will be on the next working day.
- C. Inspection prior to release. The Chief of Police will require all bicycles to be inspected before their release and proper action taken.
- D. Safety classes. The Chief of Police may require any person who commits any bicycle or skateboard offense, whether it be of this city, county or state, to attend a special class of bicycle or skateboard safety.
- E. Repeat offenders. If a fourth offense and every offense thereafter occur, in addition to impounding the bicycle or skateboard, a fee shall be established by the City Council after a public hearing to release the bicycle or skateboard. **Editor's Note: Copies of the current fee schedule are on file in the office of the City Clerk.** If the fee is not paid within three months, the bicycle or skateboard will become property of the Saco Police Department and can be disposed of with the rest of the bicycles or skateboards that are unclaimed.

### **B. Saco River and Camp Ellis Beach §111 Project Shore Damage Mitigation Report**

The Saco-Camp Ellis Beach area, located adjacent to the Saco River federal jetties, represents a complex coastal setting that has not been well understood. Camp Ellis Beach has undergone significant shoreline changes over the past 150 years, including significant erosion over the past several decades. Therefore a study was done with the purpose of evaluating potential alternatives that may be viable solutions to the ongoing erosion at Camp Ellis Beach. The study focuses on evaluating the physical processes (concentrating on the wave environment) occurring within the vicinity of Saco Bay, and

specifically the Camp Ellis Beach area, to assess potential alternatives that may be used to mitigate the erosion along the shoreline. The final screening summary and conclusions of the report recommend in part:

Beach nourishment alone is not a viable solution without the inclusion of a significant maintenance component. Lacking any additional wave energy reduction, a standalone beach would be quickly eroded. The beach nourishment alone alternative also would not be possible for beach nourishment alone to meet the project purpose of mitigating the erosive effect of the jetty and preventing further retreat of the Camp Ellis shoreline.

Each of the final alternatives coupled with beach nourishment, performs with relative levels of improvement. Therefore, each alternative can be effective depending on the level of maintenance expected and success criteria. From a purely performance perspective, Alternative 25 is unmatched.

Councilor Michaud moved, Councilor Tripp seconded, that it be Ordered that the City Council submit to the US Army Corps of Engineers the document titled, "City of Saco Comments, dated April 12, 2007" in reference to the Saco River and Camp Ellis Beach Section 111 Project Shore Damage Mitigation Report dated January 2006. Further move to approve the Order. The motion passed with seven (7) yeas.

## **VI. Consent Agenda:**

### **A. Creation of an Advisory Cable Committee and Confirmation of Appointments**

Authorize the creation of an Advisory Cable Committee for the purpose of reviewing the Thornton Academy proposal to purchase the Nexus airing system and make a recommendation to the Council on its findings; and further move to confirm the Mayor's appointment of Councilor Michaud, Councilor Tripp, Councilor Tardif and Information Technology Director Steve Bedell to represent the City on the Committee.

### **B. Public Utilities Commission Attorney Funding**

Approve the transfer of funds up to \$15,000 from the Undesignated Fund Balance Account 100/13000 to the Contracted Solicitor Account 10430/500425 for continued retention of a specialist attorney to represent the city and neighborhoods in the Public Utilities Commission case related to the construction of Central Maine Power transmission lines.

Councilor Smith moved, Councilor Michaud seconded, to approve the Consent Agenda. The motion passed with seven (7) yeas.

## **VII. ADJOURNMENT**

Councilor Tardif moved, Councilor Smith seconded, to adjourn. The motion passed with seven (7) yeas. TIME: 7:11 p.m.

C:\Program Files (x86)\PDFConverter\temp\NVDC\07169CB1-A4FA-42E4-96AB-5CB7BC4AB0F4\87c9bff4-ef56-49f4-92ae-c759b4355451file.doc 7/25/2016 Page 3 of

ATTEST: \_\_\_\_\_  
Lucette S. Pellerin, City Clerk